Government of Kerala
1971

Reg. No. K. 107

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

XVI] Trivandrum, Thursday, 12th August 1971 / 21st Sravana 1893 No. 358

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 5923/LA3/71. *Dated, Trivandrum, 12th August, 1971.*

The following Bill together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1971.

Fourth Kerala Legislative Assembly
Bill No. 73.

THE KERALA CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 1971.

A

BILL

to amend the Kerala Co-operative Societies Act, 1969.

Preamble.—WHEREAS it is expedient to amend the Kerala Co-operative Societies Act, 1969 (21 of 1969), for the purposes hereinafter appearing;

BE it enacted in the Twenty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Co-operative Societies (Amendment) Act, 1971.

(2) It shall come into force atonce.

2. *Amendment of section 33.*—In section 33 of the Kerala Co-operative Societies Act, 1969 (21 of 1969), (hereinafter referred to as the principal Act), in sub-section (1),—

(i) for the words "where the Registrar is satisfied", the words "where a no confidence motion is passed by the general body against the existing committee or where the existing committee resigns enbloc or where vacancies occur in the committee either by resignation or otherwise and the number of remaining members cannot constitute the quorum for the meeting of the committee, or where the committee fails to hold its regular meeting consecutively for six months or where the Registrar is satisfied" shall be substituted;

(ii) in clause (b), for the word "consulting", the word "intimating" shall be substituted;

(iii) after the second proviso, the following shall be inserted, namely:—

"*Explanation.*—For the purposes of this sub-section, a tender of resignation by a member of the committee shall have the effect of terminating his membership from the committee."

3. *Amendment of section 72.*—In section 72 of the principal Act, in sub-section (3), for the figures "82", the figures "83" shall be substituted.

4. *Substitution of new sections for section 81.*—For section 81 of the principal Act, the following sections shall be substituted, namely:—

"81. *Tribunal.*—(1) The Government shall constitute a single member Tribunal to exercise the powers and discharge the functions conferred on the Tribunal under this Act.

(2) A person shall not be qualified for appointment as a member of the Tribunal unless he is or has been holding the post of a District Judge in the State.

(3) The term, salary and allowances and other conditions for service of the member shall be such as may be decided by Government from time to time.

(4) The Government shall make rules for regulating the procedure and disposal of the business of the Tribunal.

81 A. *Provisions as to certain pending Proceedings.*—Every proceeding pending before the Tribunal immediately before the commencement of this Act shall stand transferred to and will be decided by the Tribunal constituted under this Act:

Provided that all such proceedings relating to orders passed by the Registrar under sections 32 and 33 of the Act, shall be sent to the Government for their decision.

Explanation.—'Proceeding' includes any appeal, revision petition or application for review."

5. *Amendment of section 82.*—In section 82 of the principal Act, in sub-section (1), clauses (b) and (c) shall be omitted.

6. *Amendment of section 89.*—In section 89 of the principal Act, in sub-section (4), in clause (a), for the words "nine members, one from each Revenue District in the State", the words "one member from each Revenue District in the State" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

For the efficient working of Co-operative Societies an explicit provision is considered necessary in the matter of appointment of a new committee or administrator, where a no confidence motion is passed by the general body against the existing committee or where the existing committee resigns enbloc or where vacancies occur in the committee either by resignation or otherwise and the number of the remaining members cannot constitute the committee or where the committee fails to hold its regular meeting consecutively for a reasonable period. In certain circumstances it may not be practicable for the Registrar to consult the Circle Co-operative Union

before a new committee or an administrator is appointed. Therefore it has become necessary to remove this difficulty. Reference to section 82 in sub-section (3) of section 72 is not correct and it is to be corrected as section 83. The Tribunal constituted under the existing provision consists of three members. All the members are practising advocates and they are not in a position to bestow their entire time for his work. It may not be reasonable to ask them to do full time work without raising their present remuneration which will involve additional expenditure. It is therefore proposed to appoint a person who is or has been holding the post of a District Judge in the State as the Tribunal in the place of the existing three member Tribunal. It has become necessary to give representation in the managing committee of the State Co-operative Union to the Malappuram District and to any Revenue District to be formed in future.

2. The Bill seeks to achieve the above objects and to make some consequential charges in the Kerala Co-operative Societies Act 1969.

FINANCIAL MEMORANDUM

No additional expenditure will have to be incurred from the Consolidated Fund of the State by this enactment.

N. K. BALAKRISHNAN.